

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MAGNUM PRODUCTS LLC,

Plaintiff,

v.

Case No. 09-C-841

HEIMER USA INC.,

Defendant.

ORDER TO SUPPLEMENT RECORD

Plaintiff Magnum Products, LLC, brought this collection action against Defendant Heimer USA, Inc., alleging subject-matter jurisdiction under 28 U.S.C. § 1332 based upon the diverse citizenship of the parties. The complaint alleges that Heimer is a Florida corporation with its principal place of business in Maimi, Florida. As to the plaintiff itself, however, the plaintiff alleges that Magnum is a Wisconsin limited liability company with its principal offices located at Berlin, Wisconsin. The case is now before the Court on Magnum's motion for a default judgment. Unfortunately, the record is not sufficient to allow the Court to determine that it has subject-matter jurisdiction.

The Seventh Circuit has held that limited liability companies are citizens of every state of which any member is a citizen. *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003). Thus, the fact that Magnum is organized under the laws of Wisconsin and has its principal of business in Wisconsin is not sufficient to determine whether complete diversity

exists. The question is whether any of the owners of Magnum are citizens of Florida. Absent that information, the Court cannot proceed.

Plaintiff is therefore directed to supplement the record within the next ten (10) days to establish that federal subject matter jurisdiction exists. The Court will hold the motion for a default judgment in abeyance until that time. In the event the record does not establish jurisdiction, the matter must be dismissed for lack of subject-matter jurisdiction.

Dated this 8th day of October, 2009.

s/ William C. Griesbach
William C. Griesbach
United States District Judge